

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>RORY M. WALSH,</b>	:	<b>CIVIL ACTION NO. 1:05-CV-0818</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
v.	:	
	:	
<b>THE UNITED STATES OF AMERICA, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 26th day of September, 2006, upon consideration of *pro se* plaintiff's motion to strike (Doc. 133) the motion to dismiss (Doc. 125),<sup>1</sup> pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, and it appearing that Rule 12(f) does not apply to a motion to dismiss, see FED. R. CIV. P. 12(f) (providing that a court may strike from a *pleading* "any insufficient defense or redundant, immaterial, impertinent, or scandalous matter"); id. 7(a) (defining pleadings); see also Kiliszek v. Nelson, Watson, & Assocs., LLC, No. 04-2604, 2006 WL 335788, at \*8 n.5 (M.D. Pa. Feb. 14, 2006) (stating that a motion is not a pleading subject to Rule 12(f)); Murphy v. Yates, No. 05-2552, 2005 WL 2989630, at \*1 (E.D. Pa. Aug. 8, 2005) (same), it is hereby ORDERED that the motion to strike (Doc. 133) is DENIED.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

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<sup>1</sup> Defendants, the United States of America and the United States Department of the Navy, filed the motion to dismiss on the basis of sovereign immunity. (See Docs. 125, 126.)